

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING –SEPTEMBER 4, 2012**

The meeting was called to order at 9:00 A.M. with Commissioner Kasian and Thompson in attendance. Commissioner Arthaud joined the meeting at 11:10 A.M.

Others present during portions of the meeting were: Stacey Swanson, Kurt Froehlich, Marcia Lamb, Jeremy Wood, Craig Kubas, Dave Jurgens, Pat Rummel, Jason Kastrow, Jay Brovold, Mike Heiser, Tim Solberg,

Kasian moved to approve the minutes from the August 7, 2012 regular meeting and the August 23, 2012 special meeting. Thompson seconded. All voted aye.

Kurt Froehlich with NDSU Extension Service met with the board to discuss their 2013 budget request.

The board received and approved the following permits:

Pipeline Permits:

- Hiland Operating – Sections 28 & 33-141-98 crossing 29th St SW
- Hiland Operating – Sections 27 & 28-141-98 crossing 123rd Ave SW
- Hiland Operating – Sections 22 & 27-141-98 crossing 28th St SW
- Hiland Operating – Sections 10 & 15-141-98 crossing 26th St SW
- Hiland Operating – Sections 35 & 36-142-98 crossing 121st Ave SW
- Hiland Operating – Section 36-141-99 & Section 31 141-98
- Hiland Operating – Section 36-142-98

Construction in County Right-of-Way Permits:

- Roughrider Electric – NW1/4NW1/4 section 29 and NE1/4NE section 30-141-99 crossing 103 ½ Ave
- Roughrider Electric – SE1/4NE1/4 31-142-100 crossing Lower 30 Rd
- Roughrider Electric – NE1/4SW1/4 33-142-102 crossing unnamed road NW of Wannagan Road
- Roughrider Electric – SE1/4SE1/4 4 141-102 along 25 1/2 St SW
- Roughrider Electric – NE1/4NW1/4 8-143-101 crossing Buckhorn Road
- Edward Schwartz Construction – 29-143-98 along 125th Ave SW
- Delry Sabrosky – SE1/4 8-139-100 along Sully Creek Road
- ABD Development LLC – 22-141-99 along 27th St SW (Frank's Creek Rd)
- OneOK Rockies Midstream – 8, 9, 10, 15-141-99 crossing 130th Ave SW, 129th Ave SW & 26th St SW
- OneOK Rockies Midstream – 8 & 17-141-99 crossing 26th St SW

The board reviewed the following zoning items from the zoning board's August 16, 2012 meeting.

Jerrad & Jeff Bush: Conditional Use Permit to mine scoria in the SE1/4 33-141-98. Property is zoned agricultural and owned by Florian & Gladys Volesky. The zoning board approved the permit. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Jory & Tonya Boltz: Request to rezone approximately 2 acres in the NW1/4 34-141-98 from Agricultural to Recreational. Conditional Use Permit for a 6 unit RV campground with a variance to reduce the minimum acreage required from five acres to two acres. The zoning board approved the rezoning, permit and variance. Thompson moved to uphold the zoning board recommendation, but make it conditional upon health department approval. Kasian seconded. All voted aye.

Ron Broersma: Request for reconsideration of the variance to allow an RV as temporary housing on a 1.80 acre parcel in the NW1/4NW1/4 14-142-99 (South Fairfield). This variance was previously denied. The zoning board approved the variance for one year for two occupants, no extensions, and the RV should be moved to the trailer court sooner than one year if a space becomes available. Kasian moved to uphold the zoning board recommendation. Thompson seconded. All voted aye.

Cody Eaton with Skyward Trend requested a one year extension to allow up to ten RV's as temporary housing for employees until mobile homes can be set. The zoning board approved allowing up to 10 units for one year. Kasian moved to uphold the zoning board recommendation. Thompson seconded. All voted aye.

Nabors requested a one year extension for the crew camp in Fairfield. The zoning board approved the extension. Thompson moved to uphold the zoning board recommendation. Kasian seconded. All voted aye.

Craig Kubas with Kadrmas, Lee, & Jackson met with the board for the monthly engineer's report and gravel crushing bid opening. Gravel to be crushed is 50,000 CY in the Hecker pit in S1/2 14-142-98. Hexco, LLC - \$199,000; Meyer Aggregate LLC - \$225,000; Gravel Products, Inc. - \$268,500. Kasian moved to accept the Hexco bid pending accurate calculations. Thompson seconded. All voted aye.

The board recessed from 12 Noon to 1:00 P.M.

Jeremy Wood with Heartland Engineering was present for the 1:00 bid opening for the River Drive road project. There are two separate projects. Drop Structure bids: Baranko Brothers \$89,856.00; Onsite Improvements \$57,710.00. There were no bids for the grading project. Arthaud moved to accept the bid from Onsite Improvements for the drop structure. Thompson seconded. All voted aye.

Mike Heiser and Tim Solberg met with the board to request the county purchase a water truck at Fairfield and the service truck at Fryburg. No decision was made at this time as they are applying for a grant to cover part of it.

Pat Rummel presented the board with a new fire ban to change it to no open burning at all and remove the contingency upon the fire index. The new fire ban is as follows:

RESOLUTION NO: 2012-13
Fire Emergency Order

WHEREAS, the Billings County Board of County Commissioners recognizes that current conditions have created an extreme risk to the citizens and property within Billings County, ND, of unnecessary loss by fire; and

WHEREAS, the Board wishes to regulate activities within the County which pose a potential hazard for such loss, should the present weather conditions continue.

NOW, THEREFORE, BE IT HEREBY RESOLVED BILLINGS COUNTY IS DECLARED UNDER A FIRE EMERGENCY ORDER AND A BURN BAN IS IN FORCE.

- 1. No travel is to be allowed off of surfaced roadways normally used for vehicular traffic except as necessary for normal farmer/rancher or industry operations.
- 2. Industrial operating crews and farmer/rancher operations shall have fire extinguishers and normal fire-fighting equipment at hand, and industrial personnel shall remain at the job site for one-half hour after daily operations are completed.
- 3. Smoking is restricted to inside of vehicles or buildings.
- 4. Burn ban to include any open burning which includes a ban on the ignition of fireworks, garbage or pit burning and campfires.

Pursuant to NDCC 37-17.1-10, any person who willfully violates the burning ban established by this resolution is guilty of a Class B Misdemeanor (UP TO 30 DAYS IN JAIL AND A \$1000.00 FINE.), and restitution of fire suppression costs may be sought from the court.

Dated at Medora, ND, this 4th day of September, 2012
Billings County, North Dakota

By: _____
Jim Arthaud, Board Chairman

Attest: _____
Joan Jurgens, County Auditor

Pat Rummel informed the board that Slope and Bowman Counties were wondering if Billings County would join them in drafting a resolution to the Governor requesting that hunting season be amended to only allow hunting in the mornings, not afternoons. The board determined that we have no off-road travel and a burn ban in place, and that was sufficient.

The board received a request to sign a letter to BLM opposing their intent to regulate hydraulic fracturing. Arthaud moved to sign the letter. Thompson seconded. All voted aye.

The board discussed the vacancy in the Auditor’s position that will occur when Auditor Joan Jurgens retires April 1, 2013. Arthaud moved to appoint Deputy Tax Director Marcia Lamb to fill the unexpired term starting April 1, 2013. Thompson seconded. All voted aye. She will start training with Joan as soon as a Deputy Tax Director can be hired. Arthaud moved to approve amending the Auditor’s Office 2012 budget by \$15,468.48 to cover her salary to the end of the year. Thompson seconded. All voted aye.

The board reviewed 2013 budget requests and preliminary budget. The preliminary budget will be published and the final budget hearing will be at the October 2, 2012 regular meeting.

The board approved the revenue vouchers for the month of August: Recorder \$13,105.24; Court \$144.25; Sheriff \$59.50

Revenues for materials and/or services rendered in August: Cody Cerkoney \$141.75 Scoria; SW Water Authority \$240.00 topsoil; Stark County \$8,309.39 water, equipment usage, labor; maps sales \$69.89; DOT \$650.25 seatbelt protection grant; ND Department of Health \$3,24.00 ambulance staffing grant; Big Sky Well Service \$8,000.00 overweight fee;

Revenues for the month of August: Permits \$29,830.00; Royalties \$62,207.82; Highway Distribution \$12,735.46; Interest \$3,290.80; Oil & Gas Production Tax \$287,906.97

The following claims were approved for payment:

| | | | | | |
|-------------------------------------|---------------------------------------|--------|----|------------|---------------|
| Adams, Donna | Recorder – Travel Expense | 003228 | \$ | 51.90 | |
| Advanced Business Methods | Recorder – Copier Contracts | 003229 | \$ | 22.47 | |
| Alliance Ag South Heart Agronomy | Weed – Chemicals | 003230 | \$ | 1,823.48 | |
| Alternative Sanitation | Garbage Removal | 003231 | \$ | 220.00 | 1, 2, 3, W |
| American Insurance Center | Courthouse – Boiler Insurance | 003232 | \$ | 994.00 | |
| Ameripride Linen Service | Mat Rental | 003233 | \$ | 100.24 | 2, 3 |
| A T & T Mobility | Cellular Service | 003234 | \$ | 71.40 | 1 |
| Atlas Windshield Repair | Windshield Replacement | 003235 | \$ | 670.00 | 2 |
| Balco Uniform Co., Inc. | Sheriff – Uniforms | 003236 | \$ | 305.41 | |
| Billings County Rural Fire District | Taxes | 003237 | \$ | 141.24 | |
| Billings County Pioneer | Publishing | 003238 | \$ | 1,168.92 | 3, G |
| Billings County School District | Taxes | 003239 | \$ | 514.58 | |
| Billings County Weed Board | Noxious Weed Control | 003240 | \$ | 23,011.61 | 1, 2, 3 |
| Belfield Automotive Supply, Inc. | Parts & Supplies | 003241 | \$ | 796.59 | 2, 3, W, G |
| Best Energy | Propane | 003242 | \$ | 1,349.20 | 1, 2, 3 |
| Bituminous Paving, Inc. | Gas Plant Road | 003243 | \$ | 328,986.28 | 1 |
| Blue Cross Blue Shield of N.D. | Dental & Vision Premiums | 003244 | \$ | 2,284.00 | 1, 2, 3, W, G |
| Boespflug Trailers & Feed | 2013 ABU Trailer | 003245 | \$ | 4,500.00 | 1 |
| Brody Chemical Corp., Inc. | Parts & Supplies | 003246 | \$ | 320.64 | 2 |
| Brooks & Associates, C. E. | Land Use Plan – Roadless | 003247 | \$ | 7,271.96 | |
| Burrer, Byron | Sheriff – Search & Rescue | 003248 | \$ | 159.29 | |
| Butler Machinery Co. | Parts & Supplies | 003249 | \$ | 1,685.26 | 1, 2 |
| CDW Government | Sheriff – Computer Notebook | 003250 | \$ | 7,327.05 | |
| Cellular Communications | Cellular Phones & Booster | 003251 | \$ | 1,586.86 | 2, G |
| Cerkoney, Cathy | Zoning Meeting – Mileage | 003252 | \$ | 83.85 | |
| Comfort Inn – Bismarck | Tax Director – Travel Expense | 003253 | \$ | 621.00 | |
| Creative Energy | Diesel Fuel, Gas, & Shop Supplies | 003254 | \$ | 16,921.34 | 1, 2, W |
| Dakota Farm Equipment, Inc. | Parts & Supplies | 003255 | \$ | 551.17 | 2, 3 |
| Dakota Insurance | Property Insurance | 003256 | \$ | 138.00 | 1, 3 |
| Dan’s Interstate Conoco | S. O., D.E.M. & Ambulance – Gas, etc. | 003257 | \$ | 608.78 | |
| Dash Medical Gloves | S. O. – Safety Supplies | 003258 | \$ | 129.80 | |
| Deans Distributing | Shop Supplies | 003259 | \$ | 1,768.64 | 3 |
| Dickinson Public Library | Library Services | 003260 | \$ | 2,906.84 | |
| Dickinson Tire, Inc. | S.O., D.E.M. & Ambulance – Tires | 003261 | \$ | 1,728.98 | |
| DJ’s Tesoro | Gas | 003262 | \$ | 50.00 | 3 |
| DTE, Inc. | Turbo Hoist | 003263 | \$ | 3,350.47 | 2 |
| Election Systems & Software | Primary Election – Ballots | 003264 | \$ | 465.23 | |
| ESP Computers & Software | S. O. – Software & Antivirus | 003265 | \$ | 275.95 | |
| Fujitsu Computer Products | Recorder – Scanner Contract | 003266 | \$ | 1,195.00 | |
| Gall’s, Inc. | S. O. – Protective Equipment | 003267 | \$ | 821.36 | |
| George’s Tire, Ltd. | Tires | 003268 | \$ | 2,484.00 | 2 |
| Gladstone Inn & Suites | S. O. – Travel Expenses | 003269 | \$ | 485.10 | |
| Golden Valley County | Social Services | 003270 | \$ | 7,481.39 | |
| Goldsack, Clarissa | S. O. – Search & Rescue | 003271 | \$ | 33.30 | |
| Great Plains Directory Service | Billings County Plat Books | 003272 | \$ | 68.60 | |
| Heartland Engineering | Blacktail Road | 003273 | \$ | 23,333.62 | 2 |
| Hlebechuk Construction | Wannagan Creek Road | 003274 | \$ | 66,770.90 | 1, 2, 3 |
| Hlebechuk Construction | Blade Tracy Mt. Road | 003275 | \$ | 28,747.50 | 3 |
| Interstate Power Systems, Inc. | Service Generators | 003276 | \$ | 1,368.94 | |
| Jurgens, David | S. O. – Travel Expense | 003277 | \$ | 312.75 | |
| Kadrmass, Lee, & Jackson, Inc. | Engineering | 003278 | \$ | 102,735.04 | 1, 2, 3 |
| Kasian, Michael E. | Commissioner – Mileage | 003279 | \$ | 287.49 | 2 |
| Kessel, Anita | Zoning Meeting – Mileage | 003280 | \$ | 89.40 | |
| Kevin’s Auto & Truck Repair | S. O. – Parts & Repairs | 003281 | \$ | 1,872.60 | |
| Krush, Paul | Zoning Meeting – Mileage | 003282 | \$ | 91.62 | |
| Lamb, Marcia | Deputy Tax Director – Travel Expense | 003283 | \$ | 284.28 | |
| Lindbo Welding Service | Weed – Machine Work | 003284 | \$ | 480.00 | |
| Logan, Terry | Water Pump | 003285 | \$ | 500.00 | 3 |
| Mac’s, Inc. | Shop Supplies | 003286 | \$ | 40.99 | 2 |
| Mid-American Research Chemical | Courthouse – Maintenance Supplies | 003287 | \$ | 149.36 | |
| Matthew Bender & Co., Inc. | Court Rules Update | 003288 | \$ | 34.89 | |
| Medora, City of... | Taxes | 003289 | \$ | 20,930.68 | |
| Midstate Telephone Company | 911 Changes | 003290 | \$ | 6.00 | |
| Midstate Telephone Company | Courthouse – Telephone Service | 003291 | \$ | 952.04 | |
| Midwest Doors, Inc. | Ambulance – Remotes & Receivers | 003292 | \$ | 195.75 | |
| Mobile Binders | Recorder – Binders | 003293 | \$ | 556.09 | |
| Moser, Fern | S. O. – Uniforms | 003294 | \$ | 78.95 | |
| Missouri Valley Petroleum, Inc. | Gas, Oil, & Diesel | 003295 | \$ | 34,834.80 | 2, 3, G |
| N.D. Association of Counties | Taxes | 003296 | \$ | 111.15 | |
| N.D. Cowboy Hall of Fame | Meeting Room – Maintenance | 003297 | \$ | 200.00 | |

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|-------------------------------------|------------------------------------|--------|----|-----------|---------------|
| N.D. Dept. of Transportation | S. O. – License & Title Fees | 003298 | \$ | 6.50 | |
| N.D. Emergency Mgmt. Association | D.E.M. – Conference Fees | 003299 | \$ | 50.00 | |
| N.D.P.E.R.S. | Health Insurance Premium | 003300 | \$ | 37,532.62 | 1, 2, 3, W, G |
| N.D. State Auditor | 2011 Fiscal Year Audit | 003301 | \$ | 165.00 | |
| N.D. State Treasurer | Clerk of Court Fees | 003302 | \$ | 158.38 | |
| N.D.A.C.O. Resources Group, Inc. | Clerk of Court – Technical Support | 003303 | \$ | 124.00 | |
| Nelson International | Parts & Repairs | 003304 | \$ | 1,958.97 | 1, 2 |
| Northern Improvement Co. | Old Highway 10 | 003305 | \$ | 27,730.28 | 3 |
| Northern Plains Engineering | River Drive – Engineering | 003306 | \$ | 20,000.00 | 3 |
| O’Day Equipment, Inc. | Keytrol Key’s | 003307 | \$ | 354.86 | |
| Off Road Software, Inc. | Off Road GIS Software | 003308 | \$ | 1,400.00 | |
| OK Tire Stores | Tires | 003309 | \$ | 2,275.72 | 3 |
| Outback Lumber Supply | Fencing Materials | 003310 | \$ | 484.75 | 3 |
| PCSinet | Tax Director – Technical Support | 003311 | \$ | 150.00 | |
| Penguin Communications, LLC | Ambulance – Radio Services | 003312 | \$ | 55.48 | |
| Porter Motors, Dan | Ambulance – Oil Change & Service | 003313 | \$ | 138.60 | |
| Prairie Excavation, LLC | Ambulance – Hook up Crew Housing | 003314 | \$ | 8,018.13 | |
| Pro-Tint | Ambulance – Parts & Supplies | 003315 | \$ | 490.00 | |
| Professional Printing | S. O. – Office Supplies | 003316 | \$ | 396.00 | |
| Pump Systems, Inc. | Parts & Supplies | 003317 | \$ | 360.75 | 2, 3 |
| Putnam, Karen | Zoning Meeting – Mileage | 003318 | \$ | 46.11 | |
| Ray’s Auto Electric, Inc. | Parts & Supplies | 003319 | \$ | 389.00 | 1, 2, 3 |
| RDO Equipment Co. | Parts & Repairs | 003320 | \$ | 1,148.10 | 2 |
| Roosevelt Custer Regional Council | Mitigation Plan Grant | 003321 | \$ | 4,454.38 | |
| Roughrider Electric Cooperative | Electricity | 003322 | \$ | 3,117.69 | 1, 2, 3, W, G |
| Roughrider Speed Center | S. O. – Parts & Supplies | 003323 | \$ | 79.99 | |
| Rudy’s Lock & Key | S. O. – Security Supplies | 003324 | \$ | 43.40 | |
| Rummel Auto Wrecking | Ambulance – Oxygen | 003325 | \$ | 198.60 | |
| Rummel, Patrick | S. O. – Travel Expenses | 003326 | \$ | 323.85 | |
| Runnings Farm & Fleet, Inc. | Parts & Supplies | 003327 | \$ | 684.78 | 2, 3, W, G |
| Sauer, Priscilla | S. O. – Search & Rescue | 003328 | \$ | 156.51 | |
| Sax Motor Co. | S. O. – 2013 Chevrolet Pickup | 003329 | \$ | 32,018.00 | |
| Southwest Business Machines | Courthouse – Office Supplies | 003330 | \$ | 2,359.50 | |
| Schmaltz, George | S. O. – Search & Rescue | 003331 | \$ | 155.96 | |
| South Heart Auto Service | Parts & Repairs | 003332 | \$ | 129.90 | 2 |
| Snyder Repair & Service | Weed – Tires | 003333 | \$ | 941.48 | |
| Sprint | Long Distance Service | 003334 | \$ | 12.97 | 3 |
| Stein’s, Inc. | Courthouse – Maintenance Supplies | 003335 | \$ | 283.55 | |
| SuperPumper | S. O. & Ambulance – Gas | 003336 | \$ | 518.95 | |
| Southwestern District Health Unit | Taxes | 003337 | \$ | 66.34 | |
| Southwest Multi-Co. Correction Ctr. | Prisoner Care | 003338 | \$ | 3,053.42 | |
| Southwest Water Authority | Taxes | 003339 | \$ | 18.38 | |
| Southwest Water Authority | Water Usage | 003340 | \$ | 447.33 | 1, 2, 3, W |
| Southwest Wireless | Radio Expense | 003341 | \$ | 24.99 | 3 |
| Swanson, Stacey | Tax Director – Travel Expenses | 003342 | \$ | 472.20 | |
| Taser International | S. O. – Protective Equipment | 003343 | \$ | 907.80 | |
| Tczap, John | Zoning Meeting – Mileage | 003344 | \$ | 45.00 | |
| Tom’s Service Center | Gas, Oil Change, & Service | 003345 | \$ | 1,940.71 | W, G |
| Total Safety US, Inc. | Weed – Safety Equipment | 003346 | \$ | 32.86 | |
| Tractor & Equipment Co. | Parts & Supplies | 003347 | \$ | 386.17 | 1 |
| Tyler Technologies, Inc. | Recorder – Computer Equipment | 003348 | \$ | 2,934.75 | |
| Verizon Wireless | Cellular Services | 003349 | \$ | 1,104.16 | 2, 3, G |
| Volesky Construction | Fencing Equipment Rental | 003350 | \$ | 105.00 | 3 |
| Wal-Mart | D.E.M. & Courthouse – Supplies | 003351 | \$ | 321.72 | |
| Wanner Western Wear | S. O. – Uniforms | 003352 | \$ | 614.66 | |
| West Dakota Oil, Inc. | Drum Oil & Shop Supplies | 003353 | \$ | 803.86 | 1 |
| West Plains, Inc. | Parts & Supplies | 003354 | \$ | 241.21 | 3 |
| Westlie Truck Center | Parts & Supplies | 003355 | \$ | 834.81 | 3 |
| Wolf MD, Dennis E. | Autopsies | 003356 | \$ | 600.00 | |
| Wosepka CPA, James J. | 2011 Fiscal Year Audit | 003357 | \$ | 1,810.00 | |
| Century Link | Telephone Services | 003422 | \$ | 536.53 | 1, 2, 3, W, G |
| Consolidated | Internet Services | 003423 | \$ | 241.71 | 2, 3, W |
| Discovery Benefits, Inc. | Administrative Fees | 003424 | \$ | 83.00 | |
| Information Technology Dept. | S. O. – T-1 Line | 003426 | \$ | 433.85 | |
| Medora, City of... | Courthouse – Utilities | 003427 | \$ | 354.95 | |
| N.D.P.E.R.S | Retirement | 003431 | \$ | 18,616.28 | 1, 2, 3, W, G |
| Reservation Telephone Cooperative | Telephone Service | 003433 | \$ | 43.24 | 1, 2, 3, G |
| Visa | Supplies | 003434 | \$ | 173.97 | 3, W, G |

Payroll in the following amounts were approved for August: General Fund \$94,210.70; Road and Bridge Fund \$86,184.98; Weed Fund \$36,673.55

With there being no further business, Arthaud moved to adjourn the meeting 3:45 P.M. Kasian seconded. All voted aye.

James Arthaud, Chairman

Attest: _____

Joan Jurgens, Auditor/Treasurer

